

1 advance, unless he is under imminent danger of serious physical injury. "Section 1915(g)'s cap on prior
2 dismissed claims applies to claims dismissed both before and after the statute's effective date" of April
3 26, 1996. *Tierney v. Kupers*, 128 F.3d 1310, 1312 (9th Cir. 1997).

4 Plaintiff cannot proceed *in forma pauperis* in this action or any other civil action filed
5 in any federal court because he has had three (3) or more prior actions dismissed for failure to state a
6 claim upon which relief may be granted, or as frivolous or malicious. Plaintiff has not alleged, and the
7 subject matter of this action does not indicate, that he is in imminent danger of serious physical injury.
8 He must pre-pay the filing fee in full.

9 **IT IS THEREFORE ORDERED** that the Court's previous grant of leave to proceed
10 *in forma pauperis* (ECF No. 5) is hereby **REVOKED**. plaintiff's motion to waive *in forma pauperis*
11 (ECF No. 3) is **DENIED**.

12 **IT IS FURTHER ORDERED** that this action is **dismissed with prejudice** for failure
13 to comply with the previous order of the Court.

14 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter judgment accordingly.

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16 DATED this 20th day of May 2011.

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19 UNITED STATES DISTRICT JUDGE
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